

Agenda

REVISED



Tempe City Council

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Harry E. Mitchell Government Center

Municipal Building

Council Chambers

31 East Fifth Street

7:30 P.M.

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February 26, 2004

1. **INVOCATION – Councilmember Copple**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES – Councilmember Mitchell**
 - A. Approval of Council Meeting Minutes
 1. Council Issue Review Session – January 8 & 15, February 5, 2004
[20040226clrkck01.pdf](#) [20040226clrkck02.pdf](#) [20040226clrkck06.pdf](#)
 2. Council Formal Session – January 8 & 15, February 5, 2004
[20040226clrkck03.pdf](#) [20040226clrkck04.pdf](#) [20040226clrkck05.pdf](#)
 3. Council Community, Schools & Higher Education Partnerships Committee – January 26, 2004 [20040226cshep01.pdf](#)
 4. Council Finance & Diversity Issues Committee – January 13 & 27, 2004
[20040226fdi01.pdf](#) [20040226fdi02.pdf](#)
 5. Council Tourism & Economic Development Committee – January 12, 2004
[20040226tedc01.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 6. Bicycle Advisory Committee – January 8, 2004 [20040226bac01.pdf](#)
 7. Mayor's Youth Advisory Commission – February 3, 2004 [20040226myac01.pdf](#)
 8. Municipal Arts Commission – December 10, 2003 [20040226mac01.pdf](#)
4. **REPORTS AND ANNOUNCEMENTS**
 - A. Mayor's Announcements
 - B. Manager's Announcements
5. **CONSENT AGENDA**

All items listed on the consent agenda will be considered as a group by the City Council and will be

enacted with one motion. There will be no discussion of these items unless a Councilmember removes an item for consideration or a Citizen requests a public hearing item be removed. Public hearing items are designated by an asterisk (*). Items scheduled for a first hearing will be heard but not adopted at this meeting.

'q-j' denotes an item as quasi-judicial. The City Council sits as a quasi-judicial body when hearing variances or use permits. Courts have ruled that when sitting as a quasi-judicial body, the Council must conduct itself as a court and not as a legislative body. This means any materials or conversations concerning the variance or use permit can only be presented to the Council at the public hearing scheduled for the Council meeting. Pre-meeting contact with the Council on quasi-judicial matters is prohibited.

A. Miscellaneous

9. Request to set Executive Session for the City Council meeting of March 25, 2004, if needed, in the Harry E. Mitchell Government Center, Municipal Building, 3rd Floor Conference Room, 31 E. 5th Street.

COMMENTS: Agenda for Executive Session will be posted at least 24 hours prior to such meeting.

10. Request to set a special City Council meeting for March 24, 2004, for canvass of the March 9, 2004, election results.
11. Request to execute a Construction Manager at Risk Design Phase Services contract with Sundt Construction, Inc. in an amount not to exceed \$88,036 for the Southern Avenue Interceptor Diversion Project.

DOCUMENT NAME: [20040226PWDR07.pdf](#) **WATER MAIN UPGRADES (0810-04) PROJECT NO. 3200101**

12. Request to execute a Construction Manager at Risk Construction Services contract with PCL Civil Constructors, Inc. for a Guaranteed Maximum Price of \$37,886,384 and to approve a contingency allowance in an amount not to exceed \$1,113,616 for change orders for the Kyrene Reclamation Facility 9-MGD Expansion.

DOCUMENT NAME: [20040226PWMG09.pdf](#) **KYRENE WATER RECLAMATION PLANT (0812-02) PROJECT NO. 32-997044**

13. Request to increase the amount of the construction contract with MGC Construction by \$50,000 (from \$9,317,572 to \$9,367,572) for the South Tempe Water Treatment Plant Optimization Project.

DOCUMENT NAME: [20040226PWMG01.pdf](#) **SOUTH TEMPE WATER TREATMENT PLANT (0811-08) PROJECT NO. 32-986829**

- 14.** Request approval of a professional service contract with Wilson & Company in the amount of \$1,800,000 plus a contingency in the amount of \$200,000 for the Kyrene

Reclamation Facility Expansion Project.

DOCUMENT NAME: [20040226PWTG06.pdf](#) **WATER RECLAMATION PLANT (0812-02) PROJECT NO. 32-997044**

15. Request approval to use a State of Arizona contract for the purchase of Police Department motorcycles from Valley Kawasaki at a total cost not to exceed \$48,213.

COMMENTS: State Contract #AD010259-001
DOCUMENT NAME: [20040226fsdl02.pdf](#) **PURCHASES (1004-01)**

16. Request to reauthorize the Downtown Enhanced Services District Contract between the City and the Downtown Tempe Community (DTC).

DOCUMENT NAME: [20040226dsnc01.pdf](#) **COMM DEV/REDEVELOPMENT ADM (0403-01)**

17. Request to reauthorize the Downtown Parking Management Contract between the City and the Downtown Tempe Community (DTC).

DOCUMENT NAME: [20040226dsnc02.pdf](#) **COMM DEV/REDEVELOPMENT ADM (0403-01)**

18. Request approval of Addendum No. 1 to the Permanent Parking Use License and Operating Agreement between the City of Tempe and BYPG Holdings.

COMMENTS: For the Brickyard parking structure.
DOCUMENT NAME: [20040226dsnc03.pdf](#) **COMM DEV/REDEVELOPMENT ADM (0403-01)**

19. Request approval of a professional services contract with Stantec Consulting, Inc., in an amount not to exceed \$39,148, to provide pavement condition analysis, data collection, software support and training for the City's automated pavement management system.

DOCUMENT NAME: [20040226PWTG08.pdf](#) **STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5400781**

20. Request approval of a professional services contract with CMX, LLC, in an amount not to exceed \$149,500, for construction management services at the Kyrene Reclamation Facility Reliability Upgrades.

DOCUMENT NAME: [20040226PWTG05.pdf](#) **WATER RECLAMATION PLANT (0812-02) PROJECT NO. 32-996995**

21. Request approval to transfer contingency funds in the amount of \$25,000 for a Building Condition Assessment Report for Tempe National Bank Building.

COMMENTS: Total cost not to exceed \$100,000.

DOCUMENT NAME: [20040226dscm03.pdf](#) HISTORIC PRESERVATION STUDIES (0112-02)

22. Request for the Mayor to sign an Intergovernmental Agreement with the City of Phoenix for joint procurement of products and services in support of Transit Vehicle Management System.

DOCUMENT NAME: [20040226PWGJ.pdf](#) PUBLIC TRANSIT (1106)

23. Request approval of an Intergovernmental Agreement between the Tempe Municipal Court and the Maricopa County Superior Court to staff the police/courts building with three (3) full-time court security officers.

DOCUMENT NAME: [20040226MCMS01.pdf](#) COURT ADMINISTRATION (0501-02)

24. Request approval of an Agreement to Convey Premises and Terminate Improvement Lease with Three-Five Systems, Inc.

DOCUMENT NAME: [20040226edjs01.pdf](#) ECONOMIC DEVELOPMENT PROGRAM (0111-03)

- 24a. Request by Hayden Ferry Lakeside for a Preliminary PAD Amendment and a Final PAD for Phases 4, 5, 6, and 7, located at 100 East Rio Salado Parkway.

COMMENTS: (Hayden Ferry Lakeside, LLC., property owner). #SPD-2003.10 for an Amended Preliminary PAD consisting of 1,840,944 s.f. (718,700 s.f. office; 71,800 s.f. retail; a 114-room hotel; 438 residential condominiums; and 3,895 parking spaces) all on 16.99 net acres. A Final PAD for Phases 4, 5, 6, and 7 consisting of 438 residential condominiums in one 8-story building, three 12-story buildings, for a total of 918,096 s.f. including a parking structure under the buildings (one level below grade and one on-grade) consisting of 806 parking spaces, all on 6.71 net acres, located at 100 East Rio Salado Parkway.

DOCUMENT NAME: [20040226dsd2k03.pdf](#) PLANNED DEVELOPMENT (0406)

- 24b. *Authorize the Mayor to execute a settlement agreement and the City Attorney to dismiss the City of Tempe, Arizona v. United States Department of Transportation, et al., Case No. 01-1479 and City of Tempe, Arizona v. United States Department of Transportation, et al., Case No. 02-1049.*

DOCUMENT NAME: [20040226casv01.pdf](#) LITIGATION SETTLEMENTS (0501-04)

- *25. This is a public hearing for the **approval** of a Series 4 Wholesaler's Liquor License for Baroness Small Estates Inc., dba Baroness Wines, 1419 W. 12th Place.

COMMENTS: H. J. Lewkowitz, Agent

DOCUMENT NAME: [20040226LIQ5.pdf](#) LIQ LIC (0210-02)

- *26. This is a public hearing for the approval of a Series 10 Beer and Wine Store Liquor License for 7-Eleven Inc., dba 7-Eleven #32265K, 485 W. Warner Road.

COMMENTS: Patricia Norris, Agent

DOCUMENT NAME: [20040226LIQ1.pdf](#) LIQ LIC (0210-02)

- *27. This is a public hearing for the approval of a Series 9 Liquor Store License for Westside Liquors Inc., dba Sunflower Market, 1706 E. Southern Avenue.

COMMENTS: Robert Millsap, Agent

DOCUMENT NAME: [20040226LIQ2.pdf](#) LIQ LIC (0210-02)

- *28. This is a public hearing for the approval of a Series 9 Liquor Store License for Bashas' Inc., dba Food City #157, 725 W. Baseline Road.

COMMENTS: Michael Basha, Agent

DOCUMENT NAME: [20040226LIQ3.pdf](#) LIQ LIC (0210-02)

- *29. This is a public hearing for the approval of a Series 12 Restaurant Liquor License for Margarita Rocks Inc., dba Balboa Bar and Grill, 404 S. Mill Avenue, C101.

COMMENTS: Brett Carr, Agent

DOCUMENT NAME: [20040226LIQ4.pdf](#) LIQ LIC (0210-02)

B. Award of Bids

30. Request to award a one-year contract with four (4) renewal options to QueTel Corporation for evidence tracking software.

COMMENTS: Total cost not to exceed \$61,650 for the initial year with renewal options not to exceed \$5,000 each year.

DOCUMENT NAME: [20040226fsdl01.pdf](#) PURCHASES (1004-01) RFP #04-046

C. Ordinances and Items for Introduction

31. Set public hearings for **March 25 and April 1, 2004** to amend Chapter 23, Article III, relating to Park Rules.

COMMENTS: Amending Section 23-40 and repealing Section 23-48, and to amend Chapter 23, Article V, relating to Preserves, by amending Sections 23-110 and 23-111.

DOCUMENT NAME: [20040226cacc01.pdf](#) TCC CH 23 - PARK & RECREATION (0502-23) Ordinance No. 2004.09

32. Set public hearings for **March 25 and April 1, 2004** for a use permit for Desert Massage, Inc., located at 315 West Elliot Road.

COMMENTS: (K & E Partners, LLC, property owner, Jonathan Brovitz, business

owner) **#SGF-2004.10** for a use permit, including the following:

Use Permit:

Allow a 3,000 square feet massage therapy clinic in the PCC-1 Zoning District.

DOCUMENT NAME: [20040226dsd2k01.pdf](#) **PLANNED DEVELOPMENT (0406)**

33. Set public hearings for **March 25 and April 1, 2004** for an Amended General and Final Plan of Development for Costco Home, Price Club Plaza I, located at 1345 West Elliot Road.

COMMENTS: (SunCor, property owner, GA Architects, LLC, applicant) **#SGF-2004.12** for an Amended General Plan of Development for Price Club Plaza I, consisting of 442,815 s.f. on 39.62 net acres, and a Final Plan of Development for Costco Home consisting of 103,963 square feet on 7.45 net acres, in the PCC-2 Zoning District.

DOCUMENT NAME: [20040226dsd2k02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- D. Ordinances and Items for First Hearing – These items will have two public hearings before final Council action.

- *34. This is the **first** public hearing to authorize a lease for an ATM at 25 E. Fifth Street.

DOCUMENT NAME: [20040226PWMG02.pdf](#) **REAL PROPERTY/RIGHT OF WAY LEASE (TO OTHERS) (0903)** ORDINANCE NO. 2004.05

- *35. This is the **first** public hearing to authorize the execution of two Encroachment/Occupancy Easements for the Arizona State University Foundation Project.

DOCUMENT NAME: [20040226dscm01.pdf](#) **ASU FOUNDATION PROJECT (0404-03-15)** ORDINANCE NO. 2004.08

- *36. This is the **first** public hearing to abandon a drainage easement located within Papago Park Center.

COMMENTS: East of the intersection of Priest Drive and Washington Street.

DOCUMENT NAME: [20040226PWMG04.pdf](#) **EASEMENT ABANDONMENT (0901)** ORDINANCE NO. 2004.07

- E. Ordinances and Items for Second Hearing/Final Adoption

- *37. This is the **second** public hearing to abandon certain easements located in the Northeast quadrant of College Avenue and University Drive.

DOCUMENT NAME: [20040226PWMG03.pdf](#) **EASEMENT ABANDONMENT (0901)** ORDINANCE NO. 2004.06

- F. Resolutions

38. Request approval of a Resolution approving the acquisition of real property for the purpose of constructing a Police Department substation.

DOCUMENT NAME: [20040226dsnc04.pdf](#) **APACHE BOULEVARD (0403-06)**
Resolution No. 2004.08

39. Request approval of a Resolution approving a Development Agreement with Centrepont Associates, L.L.P. and Costco Wholesale Corporation for the remodel and expansion of a shopping center located at Priest Road and Elliot Road to accommodate a Costco Home store.

DOCUMENT NAME: [20040226edjs02.pdf](#) **DEVELOPMENT PROJECT (0406)**
Resolution No. 2004.16

6. **NON-CONSENT AGENDA**

Public hearing items on the non-consent agenda are designated by an asterisk (*).

7. **CURRENT EVENTS/COUNCIL ANNOUNCEMENTS**

8. **PUBLIC APPEARANCES**

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on the City Council agenda. Matters brought up by the public under public appearances that are not agendaized can not be discussed by the City Council. There is a five-minute limit per citizen. Speaker's visual aids or recorded audio tapes will not be allowed during formal meetings. Citizens attending Council meetings should refrain from making personal, impertinent and slanderous remarks or becoming boisterous while addressing the Council or while attending the Council meeting. Unauthorized remarks from the audience, stomping of feet, yelling and similar demonstrations are also not permitted. Violations of these rules may result in removal from the City Council meeting.